

AMENDED IN ASSEMBLY SEPTEMBER 12, 2001

AMENDED IN ASSEMBLY SEPTEMBER 10, 2001

AMENDED IN ASSEMBLY SEPTEMBER 6, 2001

AMENDED IN ASSEMBLY JULY 9, 2001

AMENDED IN SENATE JUNE 4, 2001

AMENDED IN SENATE APRIL 26, 2001

AMENDED IN SENATE APRIL 16, 2001

SENATE BILL

No. 1000

Introduced by Senator Johannessen

February 23, 2001

An act to amend Section 11165 of, and to add ~~Section 11165.1 to and~~ *repeal Section 11165.1 of*, the Health and Safety Code, relating to controlled substances, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1000, as amended, Johannessen. Schedule II controlled substances: prescription requirements.

Existing law provides that no person shall prescribe a controlled substance, nor shall any person fill, compound, or dispense such a prescription unless it complies with specified requirements, one of which is that prescriptions for Schedule II controlled substances shall be prepared in triplicate. Existing law also provides *until July 1, 2003*, for the electronic monitoring of the prescribing and dispensing of Schedule II controlled substances pursuant to the Controlled Substance

Utilization Review and Evaluation System (CURES) program, as specified.

This bill would state the Legislature's intent to eliminate the triplicate prescription requirement for Schedule II controlled substances when a secure stand-alone electronic monitoring system is in place. This bill would direct the Attorney General to prepare a report describing how CURES would have to be modified in order to make it a secure stand-alone electronic monitoring system. The bill would provide, in addition, that a practitioner or pharmacist may make a written request, as specified, for the ~~dispensing~~ history of *controlled substances dispensed to* an individual under his or her care based on data contained in CURES; in order to prevent the inappropriate, improper, or illegal use of Schedule II controlled substances, the Department of Justice may initiate the referral of the ~~dispensing~~ history of *controlled substances dispensed to* an individual based on data contained in CURES to ~~the practitioner or pharmacist~~ *practitioners or pharmacists* providing care or services to the individual; and the ~~dispensing~~ history of *controlled substances dispensed to* an individual based on data contained in CURES is medical information subject to the provisions of the Confidentiality of Medical Information Act. This bill would appropriate \$145,000 to the department for the operation and evaluation of CURES during the 2001–02 fiscal year. *These provisions would become inoperative on July 1, 2003, and would be repealed on January 1, 2004.*

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) It is the intent of the Legislature to do away
- 2 with the requirement that prescriptions for Schedule II controlled
- 3 substances be prepared in triplicate when a secure stand-alone
- 4 electronic monitoring system is in place. It is the intent of the
- 5 Legislature that the triplicate prescription requirement be done
- 6 away with as soon as possible.
- 7 (b) The Attorney General shall, in consultation with the Board
- 8 of Pharmacy, the Medical Board of California, the medical
- 9 community, and patient advocates, produce and submit a report to
- 10 the Legislature on or before July 1, 2002, describing how the
- 11 Controlled Substance Utilization Review and Evaluation System



(CURES) needs to be modified in order to make it a secure stand-alone electronic monitoring system. The report can include a discussion of similar systems used by other states.

SEC. 2. Section 11165 of the Health and Safety Code is amended to read:

11165. (a) To assist law enforcement and regulatory agencies in their efforts to control the diversion and resultant abuse of Schedule II controlled substances, and for statistical analysis, education, and research, the Department of Justice shall, establish the Controlled Substance Utilization Review and Evaluation System (CURES) for the electronic monitoring of the prescribing and dispensing of Schedule II controlled substances by all practitioners authorized to prescribe or dispense these controlled substances.

(b) The CURES program shall operate under existing provisions of law to safeguard the privacy and confidentiality of patients. Data obtained from CURES shall only be provided to appropriate state, local, and federal persons or public agencies for disciplinary, civil, or criminal purposes and to other agencies or entities, as determined by the Department of Justice, for the purpose of educating practitioners and others in lieu of disciplinary, civil, or criminal actions. Data may be provided to public or private entities, as approved by the Department of Justice, for educational, peer review, statistical, or research purposes, provided that patient information, including any information that may identify the patient, is not compromised. Further, data disclosed to any individual or agency as described in this subdivision, shall not be disclosed, sold, or transferred to any third party.

(c) The Department of Justice, in consultation with the Board of Pharmacy, shall submit a report on the CURES project to the Legislature by January 1, 1999, with annual updates also due on January 1 of each year the CURES project remains operative. Specifically, these reports shall assess the ability of CURES to provide complete, accurate, and timely data on Schedule II controlled substances prescribed and dispensed in California, the effectiveness of this information in investigating and prosecuting individuals suspected of diversion activities, and the feasibility of replacing the current triple-copy prescription form with a single-copy serialized prescription form to reduce existing

1 administrative burdens. Further, the report shall make
2 recommendations regarding the replacement of the existing
3 triplicate prescription process with CURES, and funding
4 alternatives for ongoing system support.

5 (d) The sum of one hundred forty-five thousand dollars
6 (\$145,000) is hereby appropriated from the General Fund to the
7 Department of Justice for the operation and evaluation of CURES
8 during the 2001–02 fiscal year.

9 (e) This section shall become inoperative on July 1, 2003, and,
10 as of January 1, 2004, is repealed, unless a later enacted statute,
11 that becomes operative on or before January 1, 2004, deletes or
12 extends the dates on which it becomes inoperative and is repealed.

13 SEC. 3. Section 11165.1 (a) is added to the Health and Safety
14 Code, to read:

15 11165.1. (a) A practitioner eligible to obtain triplicate
16 prescription forms pursuant to Section 11161 or a pharmacist may
17 make a written request, in a format and pursuant to guidelines
18 developed by the Department of Justice, for the ~~dispensing~~ history
19 of *controlled substances dispensed to* an individual under his or
20 her care based on data contained in CURES.

21 (b) In order to prevent the inappropriate, improper, or illegal
22 use of Schedule II controlled substances, the Department of Justice
23 may initiate the referral of the ~~dispensing~~ history of *controlled*
24 *substances dispensed to* an individual based on data contained in
25 CURES to ~~a practitioner or a pharmacist~~ *practitioners,*
26 *pharmacists, or both,* providing care or services to the individual.

27 (c) The ~~dispensing history of~~ *history of controlled substances*
28 *dispensed to* an individual based on data contained in CURES that
29 is received by a practitioner or pharmacist from the Department of
30 Justice pursuant to this section shall be considered medical
31 information subject to the provisions of the Confidentiality of
32 Medical Information Act contained in Part 2.6 (commencing with
33 Section 56) of Division 1 of the Civil Code.

34 (d) *This section shall become inoperative on July, 1, 2003, and,*
35 *as of January 1, 2004, is repealed, unless a later enacted statute*
36 *that is enacted before January 1, 2004, deletes or extends the dates*
37 *on which it becomes inoperative and is repealed.*

38 SEC. 4. *This act shall become inoperative on July 1, 2003,*
39 *and, as of January 1, 2004, is repealed, unless a later enacted*

- 1 *statute that is enacted before January 1, 2004, deletes or extends*
- 2 *the dates on which it becomes inoperative and is repealed.*

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